

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: GARY WASZCYSZAK

CHAPTER 13

Debtor(s)

CASE NO: 5-19-02633-MJC

JACK N. ZAHAROPOULOS
CHAPTER 13 TRUSTEE

Movant

vs.

GARY WASZCYSZAK etal.
Respondent(s)

TRUSTEE'S MOTION TO DISMISS CASE

COMES NOW, on September 12, 2022, Jack N. Zaharopoulos, Standing Chapter 13 Trustee, through his attorney, Agatha R. McHale, Esquire, and moves this Honorable Court for Dismissal, a statement of which follows:

1. Debtor(s) filed the above case on June 18, 2019.
2. The plan obligates Debtor(s) to make monthly payments to the Trustee.
3. The Trustee filed Motions to Dismiss Case for Material Default due to non-payment of these monthly payments on the following dates - 09/03/2020, 12/03/2020, 05/05/2021
4. Debtor(s) cured each of these defaults prior to the scheduled hearing and therefore avoided entering into a stipulation to maintain timely payments.
5. Debtor(s) is currently 3 months in default with arrearages of \$3,751.00, along with their current regular monthly payment of \$1,000.00, through September 12, 2022. The total arrearage amount therefore due is **\$4,751.00**
6. The non-payment of Debtor's plan obligation is
 - a. a material default with respect to the confirmed plan; and
 - b. an unreasonable delay by Debtor that is prejudicial to creditors.

7. Dismissal of the case is in the best interest of the creditors and the estate.
8. Notice of hearing and other instructions are included with this Motion.

WHEREFORE, the Standing Chapter 13 Trustee requests this Court to dismiss the above case.

Dated: September 12, 2022

Respectfully submitted,

/s/ Agatha R. McHale, Esquire

ID: 47613

Attorney for Trustee

Jack N. Zaharopoulos, Trustee

Standing Chapter 13 Trustee

8125 Adams Drive, Suite A

Hummelstown, PA 17036

Phone: (717) 566-6097

Fax: (717) 566-8313

email: amchale@pamd13trustee.com

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NOTICE

NOTICE IS HEREBY GIVEN THAT Jack N. Zaharopoulos, Standing Chapter 13 Trustee for the Middle District of Pennsylvania, through his attorney, Agatha R. McHale, Esquire, has filed a Motion to Dismiss for failure to make timely payments pursuant to your Chapter 13 Plan.

YOU ARE HEREBY NOTICED that a HEARING with the Court has been scheduled on this motion. Any matters not resolved shall be heard at the dismissal hearing.

October 4, 2022 at 09:30 AM
U.S. Bankruptcy Court
Max Rosenn U.S. Courthouse
197 S. Main Street
Wilkes Barre, PA

YOU ARE FURTHER NOTICED that you MUST attend the dismissal hearing unless one of the following takes place.

1. You have entered into a valid stipulation with Trustee Zaharopoulos and that stipulation has been filed with the U.S. Bankruptcy Court.

2. You have filed a voluntary conversion to Chapter 7 or a voluntary case dismissal with the U.S. Bankruptcy Court and have served a copy of that motion upon Trustee Zaharopoulos.

FAILURE TO COMPLY WITH THE ABOVE WILL RESULT IN YOUR CHAPTER 13 CASE BEING CALLED FOR DISMISSAL HEARING WITH THE COURT ON THE DATE AND TIME AS SPECIFIED IN THIS NOTICE. THIS MAY RESULT IN DISMISSAL OF YOUR CASE.

Dated: September 12, 2022

Respectfully submitted,

/s/ Agatha R. McHale, Esquire

ID:47613

Attorney for Trustee

Jack N. Zaharopoulos, Trustee

Standing Chapter 13 Trustee

8125 Adams Drive, Suite A

Hummelstown, PA 17036

Phone: (717) 566-6097

Fax: (717) 566-8313

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CERTIFICATE OF SERVICE

I certify that I am more than 18 years of age and that on September 12, 2022, I served a copy of this Motion to Dismiss, Notice and Proposed Order on the following parties by 1st Class mail from Hummelstown, PA, unless served electronically.

Served Electronically

MARK MOULTON, ESQUIRE
693 STATE ROUTE 739 STE 1
LORDS VALLEY PA 18428-

UNITED STATES TRUSTEE
SUITE 1190
228 WALNUT STREET
HARRISBURG, PA 17101

Served by First Class Mail

GARY WASZCYSZAK
125 10TH STREET
MATAMORAS PA 18336

I certify under penalty of perjury that the foregoing is true and correct.

Date: September 12, 2022

/s/ Matt Arcuri
Office of the Standing Chapter 13 Trustee
Jack N. Zaharopoulos, Trustee
Suite A, 8125 Adams Dr.
Hummelstown, PA 17036
Phone: (717) 566-6097
email: info@[pamd13trustee.com](mailto:info@pamd13trustee.com)

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ORDER DISMISSING CASE

Upon consideration of the Trustee's Motion to Dismiss, it is hereby Ordered that the above-captioned bankruptcy be and hereby is dismissed. The Court retains jurisdiction to rule on any timely filed fee application.